

**PD-1042-18**  
In the Court of Criminal Appeals of Texas  
At Austin

FILED  
COURT OF CRIMINAL APPEALS  
2/11/2019  
DEANA WILLIAMSON, CLERK

—◆—  
**No. 01-16-00768-CR**  
In the Court of Appeals  
For the First District of Texas  
At Houston

—◆—  
**No. 1487627**  
In the 337<sup>th</sup> District Court  
Of Harris County, Texas

—◆—  
**Ruben Lee Allen**  
*Appellant*

*v.*

**The State of Texas**  
*Appellee*

—◆—  
**State's Motion for Extension of Time  
To File Brief on Appellant's Granted PDR**  
—◆—

To the Honorable Court of Appeals:

The State of Texas asks for an extension of 15 to file its brief regarding the appellant's petition for discretionary review. The following facts are relevant:

1. The appellant was indicted for aggravated robbery. (CR 22). The indictment alleged a prior felony conviction. (CR 22). The appellant pleaded not guilty, but a jury found him guilty as charged. (4 RR 5;

- CR 111). The jury found the enhancement allegations true and assessed punishment at twenty-five years' confinement. (CR 121). The trial court certified the appellant's right of appeal, and the appellant filed a timely notice of appeal. (CR 127, 130).
2. A split panel of the First Court affirmed the trial court's judgment on August 30, 2018.
  3. This Court granted petitions for discretionary review from both the State and the appellant on December 12, 2018.
  4. The appellant filed his brief regarding his granted PDR on January 11, 2019. The State's brief in reply is due February 11, 2019.
  5. This is the State's first request for extension for this brief.
  6. Since the appellant filed his brief, the State's appellate counsel has worked on the following matters:

- a. Charles Farris  
No. 01-18-00863-CR  
Brief filed January 24, 2019
- b. Mohamad Awad  
No. 14-18-00250-CR  
Brief filed January 31, 2019
- c. Ruben Allen  
No. PD-1042-18  
Brief on State's Granted PDR filed January 18, 2019

7. The State's appellate counsel has been ill for several days during this period and is currently out of the office with an illness. He anticipates being back at work this week.

The State asks this Court to grant the requested extension.

Respectfully submitted,

/s/ C.A. Morgan

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## **Certificate of Service**

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Date: February 11, 2019